

COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

FIBER TECHNOLOGIES NETWORKS, L.L.C.,	)	
	)	
Complainant,	)	
	)	
v.	)	
	)	
VERIZON MA NEW ENGLAND, (f/k/a New England	)	
Telephone and Telegraph Company),	)	
	)	
and	)	
	)	
NORTHEAST UTILITIES SERVICE COMPANY,	)	D.T.E. 03-56
d/b/a Western Massachusetts Electric Company,	)	
	)	
and	)	
	)	
THE MASSACHUSETTS ELECTRIC COMPANY,	)	
	)	
Respondents.	)	
	)	

**MEMORANDUM OF FIBER TECHNOLOGIES NETWORKS, L.L.C.**  
**IN OPPOSITION TO PETITION TO INTERVENE BY**  
**SHREWSBURY ELECTRIC LIGHT PLANT**

Fiber Technologies Networks, L.L.C., f/k/a Fiber Systems, L.L.C., (“Fibertech”) opposes the petition by Shrewsbury’s Electric Light Plant (“SELP”) to intervene in this proceeding. SELP fails to demonstrate that it is substantially and specifically affected by this proceeding as required by 220 C.M.R. 1.03(1)(b), or that any interests it has in the proceeding are not adequately protected by the existing parties.

SELP acknowledges that it has no stake in the merits of Fibertech’s Amended Complaint against the respondents in this case. Petition To Intervene Of Shrewsbury’s Electric Light Plant (“SELP Petition”) at ¶ 12. The only basis it offers for intervention is its interest in the legal issue

whether Fibertech is a “licensee” under the pole attachment agreements at issue in this case. SELP asserts that it is “uniquely qualified to develop the record on this issue.” *Id.* at ¶ 10. It offers no basis for this bald assertion, however, nor does it explain why Verizon MA New England (“Verizon”), Northeast Utilities Service Company, d/b/a Western Massachusetts Electric Company (“WMECO”), and Massachusetts Electric Company (“MECO”) cannot adequately present this issue to the Department. They have, after all, raised the issue and moved to dismiss on those grounds. SELP does not bring anything to this proceeding these other utilities do not, and neither Fibertech nor the Department needs a fourth party in this case to cover the same ground. *Petition of Boston Edison Company for review of its electric industry restructuring proposal*, D.P.U. 96-23, *Interlocutory Order on Appeal by Cablevision Systems Corporation of Its Intervention Status and On Petition of The New England Cable Television Association, Inc. For Leave to Intervene Late*, at 7-8 (Sept. 8, 1997), affirmed sub nom., *Cablevision Systems Corp. v. DTE*, 428 Mass. 436 (1998).

Accordingly, the petition to intervene by SELP should be denied.

Respectfully submitted,

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